

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CHRISTOPHER K. RUSH**

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**CASE NO: 2:07-CR-178-WKW**

**MOTION TO WITHDRAW AS COUNSEL**

**COMES NOW** undersigned counsel and moves to withdraw as counsel for Christopher K. Rush and requests this Court permit the substitution of a CJA Panel Attorney. In support of this motion, undersigned counsel states:

1. On August 23, 2007, undersigned counsel was appointed to represent Mr. Rush.
2. On or about August 27, 2007, undersigned counsel interviewed a critical witness in this matter. However, since September 19, 2007, this witness has refused to communicate with undersigned counsel.
3. Beginning on or about September 18, 2007, Mr. Rush refused to communicate further with undersigned counsel and expressed verbal hostility towards undersigned counsel's representation. Specifically, Mr. Rush asserts that undersigned counsel has failed to a) zealously represent him, b) properly negotiate a favorable case resolution, c) adequately challenge the government's proof, and d) adequately investigate the strength (or weakness) of the government's case. Further, undersigned counsel and Mr. Rush have come to a complete impasse as to trial strategy. Since September 18, 2007, Mr. Rush has affirmatively stated that he no longer wishes to assist counsel and expressed verbal hostility towards undersigned counsel's continued representation.
4. Meetings between undersigned counsel and Mr. Rush have not been able to

resolve the breakdown in communication and/or trust and Mr. Rush requests new counsel be appointed.

5. These disputes over trial preparation and other matters and Mr. Rush's unwillingness to communicate with undersigned counsel has led to irreconcilable differences between Mr. Rush and undersigned counsel. At this time, based upon the lack of communication between Mr. Rush and undersigned counsel, Mr. Rush's repeated request that undersigned counsel withdraw, and the complete impasse as to trial strategy, undersigned counsel believes it would be in the interests of justice, Mr. Rush, and all involved, if the Court were to permit undersigned counsel to withdraw from the representation and appoint Mr. Rush other counsel from the Criminal Justice Act panel.

**WHEREFORE**, for the reasons set forth above, undersigned counsel respectfully requests the court relieve Michael J. Petersen as counsel for Mr. Rush and court appoint a CJA Panel Attorney as counsel for Mr. Rush.

Dated this 26<sup>th</sup> day of September, 2007.

Respectfully submitted,

s/ Michael J. Petersen  
**MICHAEL J. PETERSEN**  
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ASB-5072-E48M

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 26, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:  
  
Verne Speirs, AUSA.

Respectfully submitted,

s/ Michael J. Petersen  
**MICHAEL J. PETERSEN**  
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